



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,417	07/19/2001	Charles B. Duke	56261-00001F6	2645

7590 04/24/2002

Peter F Weinberg  
Gibson Dunn & Crutcher  
Suite 4100  
1801 California St  
Denver, CO 80202

EXAMINER

NGHIEM, MICHAEL P

ART UNIT	PAPER NUMBER
----------	--------------

2861

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/910,417

Applicant(s)

DUKE ET AL.

Examiner

Michael P Nghiem

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:
  - "printhead 4" (page 4, line 2) should be -- printhead 5 --.
  - "spaced tabs 5b" (page 4, line 6) is incorrect.Appropriate correction is required.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the primary surface of the lid (e.g. page 4, line 2) and spaced tabs (e.g. page 4, line 4) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP 608.02(d). Correction is required.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pressing means, vertically spaced tabs (e.g. claim 1) and primary surface of the cartridge lid (e.g. claim 3) must be shown or the feature(s) cancelled from the claim(s). No new matter should be entered.

Art Unit: 2861

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include any reference sign(s) mentioned in the description. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claims 2 and 5 are objected to because of the following informalities:

- claim 2, how can one protrusion be two protrusions?
- claim 5, "as" should be – has --.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2861

Claim 4, it is unclear what the combination comprises.

Claim 4, there is no transitional phrases such as "comprising", "consisting essentially of" and "consisting of" to define the scope of a claim.

Claim 5, are the two protrusions different from the protrusion of claim 4?

The remaining claims are also rejected under 35 U.S.C. 112, second paragraph, for being dependent upon a rejected base claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

- (e) the invention was described in-
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Amano (US 6,027,208).

Amano discloses all the claimed features of the invention including:

- an ink printer cartridge (3) for use in an ink printer (Fig. 2) and a printhead (1) having:
  - an interior surface (Fig. 2) and a camming shoe (tips of 4's) extending downward from the interior surface (Fig. 2), the camming shoe having a pressing means (bottom surface of tips pressing on 31's) which includes a series of vertically oriented spaced tabs (to tips of 4's spaced apart, Fig. 2) having clear spaces therebetween (Fig. 2), the ink printer cartridge comprising:

- a base (bottom wall of 3) and a lid (walls of 3 excluding 31's and bottom wall) attached to the base, the lid having at least one protrusion (31) extending upward from the lid (Fig. 2) so that when the base is fully inserted within the printhead, the protrusion engages the printhead interior surface and no part of the base and lid engage the camming shoe (Fig. 2);

- the at least one protrusion is two protrusions (two 31's);

- the ink printer cartridge lid has a primary surface (surface of 3 below 31's)

which, when the cartridge is engaged with the printhead, is beneath the vertical tabs of the camming shoe so that there is clear space between the ink printer cartridge primary surface and the camming shoe (Fig. 2), and the at least one protrusion is offset from the vertical tabs of the pressing means (31's are between 4's) and has a sufficient length so that it contacts the printhead interior surface (31's extend to contact 4).

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kotaki et al. (US 5,619,239) discloses a printhead having a camming shoe (Fig. 10).

Kashimura et al. (US 5,245,361) discloses a head holder having a camming shoe (Fig. 6d).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. An inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0956.

  
Michael Nghiem

April 21, 2002